

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO. 12-2039 (GAG)

**COMMONWEALTH OF PUERTO RICO,
et al.,**

Defendants.

FINAL SCHEDULING ORDER: MAYAGÜEZ PUBLIC HEARING

As advanced in the Initial Scheduling Order (see Docket No. 385), of July 19, 2016, the Fourth Public Hearing and status conference in the captioned case is set for 9:30 a.m. on Thursday, September 1st, 2016, and Friday, September 2nd, 2016, at the Commonwealth's Court of First Instance in Mayagüez, Puerto Rico. The Hon. Judge Gustavo Gelpí will be overseeing the proceedings. It will be the privilege of the undersigned District Judge to sit in Mayagüez, since this marks the first such sitting since the Commonwealth was established. The Court is extremely thankful to Chief Justice Maite Oronoz for allowing the Court to sit in the Commonwealth's Courthouse and to the Mayagüez Administrative Judge Hon. Aixa Rosado for all the assistance provided by her and her staff.

The purpose of this and all forthcoming public hearings is to inform the Court and the public of the progress on the implementation of the Puerto Rico Police Department ("PRPD") Reform, as well as to hear in an open judicial forum all upcoming plans and ensuing steps that are required to be taken in order to guarantee that the PRPD Reform is proceeding as per the Agreement for the Sustainable Reform of the Puerto Rico Police Department ("Agreement").

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1 Particular attention is to be given to the communities in the western townships of Puerto Rico.
2 The Court is committed to transparency and seeks to ensure that the structural police reform lives
3 up to its potential, meeting its goal of holistic and sustainable reform, while guaranteeing and
4 encouraging public access to important information concerning all local communities throughout
5 this important process. The Court also pursues to engage the public in assisting the TCA's office
6 in his monitoring duties over compliance with the Agreement.

7 If any issue arises regarding the present Scheduling Order, the Court orders the Parties to
8 discuss the same through affable means with the objective of finding an agreement, and if
9 warranted, to address any matter with the Court following the clearly defined channels of
10 communication. The Court expects strict compliance with this directive. All housekeeping or
11 related matters should be addressed before the commencement of the Public Hearing through the
12 Court appointed Constitutional Counselors and Legal Advisors to the TCA. If necessary, the
13 Court will be advised accordingly. Any matter will be considered by the Court no later than 9:00
14 a.m. during the course of the two-day Public Hearing.

15 The Hearing will be open to the general public. Students and the media are welcome to
16 attend. However, due to the Courtroom's limited seating capacity, **those who wish to attend**
17 **must confirm their assistance by contacting the office of Mr. Alfredo Castellanos-Bayouth,**
18 **Esq. Constitutional Advisor to the Court and Legal Advisor to the TCA at 787-641-8447.**
19 **Members of the press must also confirm their attendance in order secure access to the**
20 **exclusive area assigned for the media.** Groups that may require special assistance should also
21 contact Mr. Alfredo Castellanos-Bayouth, Esq. **THE COURT REQUESTS THAT THE**
22 **GENERAL PUBLIC ARRIVE BY 8:00 A.M. TO ENSURE AN ORDERLY SECURITY**
23 **PROCESS SO THAT THE COURT MAY BEGIN AT THE SCHEDULED TIME.** The

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1 court further informs that dining facilities are available at the Courthouse in Mayagüez and that
2 special parking facilities with coordinated security and traffic measures have been obtained to
3 accommodate all visitors and speakers.

FIRST DAY OF PROCEEDINGS

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5 The Court will begin the proceedings on Thursday, September 1st, 2016, at **9:30 a.m.**
6 with a brief opening statement, after which it expects a welcoming message from the
7 Commonwealth's Secretary of Justice, Hon. César Miranda and Associate Supreme Court Justice
8 Hon. Edgardo Rivera. The Court will interlude the proceedings for periods of 5 to 15 minutes
9 after each scheduled group's presentation for questions and remarks on the matters presented
10 before them.

11 From **9:50 a.m. to 10:05 a.m.** the mayor of the Municipality of Mayagüez, the Hon. José
12 Guillermo Rodríguez will address the Court. Mrs. Ingrid Rivera Rocafort, Director of the Puerto
13 Rico Tourism Company will follow from **10:10 a.m. to 10:15 a.m.**, after which from **10:20 a.m.**
14 **to 10:25 a.m.** the Court will hear from Mrs. Tatty Escobar. From **10:30 a.m. to 10:40 a.m.** Mrs.
15 Georgina Candal, Esq., President of the Civil Rights Commission will address the Court. Dr.
16 Michelle Hernández de Fraley, Education and Training Deputy Chief will speak from **10:45 a.m.**
17 **through 10:55 a.m.** after which from **11:05 a.m. to 11:15 a.m.** Dr. Juan Centeno López,
18 Director of the Psychology Division will address the Court.

19 As previously announced in the Initial Scheduling Order, the Court would like to create a
20 more dynamic and inclusive dialogue between the Parties, the TCA and the People of Puerto
21 Rico. Therefore, from **11:25 a.m. to 11:40 a.m.** the TCA, Mr. Arnaldo Claudio, the Parties, and
22 Puerto Rico Police Superintendent, Mr. José Caldero López and will address the Court. Then, the
23 Court will recess for lunch from **11:40 a.m. until 1:10 p.m.**

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Colonel Francisco Rodríguez Ortiz, Professional Responsibility Deputy Chief will commence the afternoon's proceedings, speaking from **1:10 p.m. to 1:30 p.m.** Then, Dr. Javier Aceves, Joint Compliance Coordinator of the Department of Health's Division of Services for People with Intellectual Disabilities Reform will address the Court from **1:40 p.m. until 2:00 p.m.** From **2:10 p.m. through 2:20 p.m.** the Court expects to hear from Colonel Orlando Meléndez Serrano, Camp Operations Deputy Chief. Lieutenant Jaime Cosme Oliver will then address the Court from **2:30 p.m. to 2:40 p.m.** followed by Lieutenant Colonel Jose Juan García Díaz, Director of the Drug and Narcotics Department who will speak from **2:50 p.m. to 3:20 p.m.** From **3:30 p.m. to 3:40 p.m.** the Court will hear from Lieutenant Second Alberto Rivera Ortiz, K-9 Unit Director, after which Colonel Luis Colón, FURA Director will address the Court from **3:50 p.m. to 3:55 p.m.** followed by Mayagüez Area Commander, Colonel Miguel Rosado Carrero whom is expected to address the Court from **4:00 p.m. to 4:10 p.m.** After the Court's final remarks to the guest speakers of the day, the TCA, the Parties and Mr. Caldero will be given the opportunity to comment on the matters presented on the first day of the Hearing. Their respective comments at the end of each session is expected to be brief and non-adversarial.

Finally, if additional time is required for unforeseen reasons, the same should be addressed with the Constitutional Counselors as soon as possible. The Court will be more lenient if cause is shown and is inclined to entertain such petitions at the end of each day only if compelling reasons are brought to the attention of the Court through the proper channels. Please note that the Court intends to strictly adhere to the Final Scheduling Order. Unnecessary delays will not be looked upon favorably.

SECOND DAY OF PROCEEDINGS

On Friday, September 2nd, 2016, the Hearing will begin with Lieutenant Colonel Agustín Marrero Marrero, Aguadilla Area Commander, whom will be addressing the Court from **9:35 a.m. to 9:45 a.m.**, followed by Mrs. Vilma Pérez Portalatín, President of the Down Syndrome Association and Ms. Dagmary Fornes, Community Alliances Coordinator whom are expected to speak from **9:55 a.m. to 10:15 a.m.** Sargent Lourdes Rivera Arce, Community Relations Division Director will speak from **10:25 a.m. to 10:35 a.m.** after which from **10:45 a.m. to 12:00 p.m.** the Court expects to hear from: Mr. Juan Carlos Mejías Muñiz, Executive Director of the American Association Against Cancer; Dr. Juan Avilés, Vice Dean of E.D.P. University, San Sebastian Campus; Mrs. Lisette Morales Garcia, Director of the InterAmerican University Continuing Education Program; Mrs. María Hernández Jiménez, Director of P.A.E.C.; Mr. Santiago Concepción Cajigas, Editor of Escuela en tu Casa Magazine; Mr. Juan Giraud and Mr. Ariel Negrón of Destacamientos; Mr. Euclides Feliciano, Spokesperson of the Aguadilla Civic Interaction Committee; and, from Mr. Eduardo Muñoz Ramos, Community Security Advice Spokesperson. Following the Court's questions and remarks, from **12:05 p.m. to 12:30 p.m.** the TCA, the Parties and Mr. Caldero will address the Court. Then, the Court will recess for lunch from **12:30 p.m. until 2:00 p.m.**

Dr. Nicolás Linares, of the FILIUS Institution will commence the afternoon's proceedings, speaking from **2:00 p.m. until 2:10 p.m.** after which Mr. Walter Santiago Rodríguez, Spokesperson for the Civic Interaction Committee of Mayagüez will address the Court from **2:20 p.m. to 2:30 p.m.** Then, the Court expects to hear from Mr. Dennis Villanueva and Mr. Luis García Mercado, Representatives of the LGBTT Community from **2:40 p.m. to 2:50 p.m.** Mr. Felipe Morales, from *Movimiento de Mayagüez Pro Desarrollo del Oeste*, will

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1 address the Court from **3:00 p.m. to 3:05 p.m.** followed by a representative of the Chamber of
2 Commerce whom is expected to speak from **3:05 p.m. to 3:10 p.m.** Mr. José Vega, Esq.,
3 Spokesperson of the Fajardo Civic Interaction Committee is expected to speak from **3:20 p.m. to**
4 **3:30 p.m.**, after which from **3:40 p.m. to 3:50 p.m.** Mr. José Díaz from the Tallaboa
5 Encarnación Civic Group will speak. A representative of GRUCORPO is expected to address the
6 Court from **4:00 p.m. to 4:10 p.m.** followed by Colonel Clementina Vega Rosario, Executive
7 Director of the Puerto Rico Police Department Reform whom will speak from **4:20 p.m. until**
8 **4:35 p.m.** After the Court's last comments to guest speakers of the day, the TCA, the Parties and
9 Mr. Caldero will be given the opportunity to make their final remarks from **4:45 p.m. through**
10 **5:30 p.m.** The Court will finalize the proceedings at **5:30 p.m.**

11 The Court wishes to remind the parties and the participants that the present Public
12 Hearing and its proceedings are not adversarial in nature. Therefore, genuine collaboration and
13 mutual assistance between the parties is expected throughout the celebration of the hearing. **Due**
14 **to the volume of participants and the nature of the issues to be addressed, the Court**
15 **intends on adhering rigorously to the scheduled itinerary, and exhorts all panelists to focus**
16 **their testimonies to the matters regarded in the Agreement.** With the purpose of increasing
17 the involvement of the community in the process of the Reform, any additional comments,
18 concerns and/or suggestions that the speakers may not be allowed to express due to time
19 constraints, may be submitted in written form to the attention of the Office of the TCA, by
20 sending an email to Mr. Alfredo Castellanos Bayouth, Esq., at: alfredo@cglawpr.com.
21 Furthermore, speakers are advised that the Mayagüez Courthouse has the technological
22 equipment for visual presentations. **Any guest speaker who wishes to make use of such**
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equipment must make the pertinent arrangements by calling Mr. Alfredo Castellanos Bayouth's, Esq. office at 787-641-8447, before 5:00 p.m. on Tuesday, August 30, 2016.

The Court expects the Parties to use their telephones on emergency basis only. Other electronic devices should only be used for note taking and matters regarding the Public Hearing. The Court expects strict compliance with this directive.

Finally, the Court wishes to remind the parties that the purpose of the celebration of the Public Hearings in the present case is to involve the public with the reform process, in order to transform the PRPD into a law enforcement entity that effectively serves the Community and stands by the Constitutional rights of the People of Puerto Rico. The Court informs the participants that during the course of the hearing it will not accept any testimonies related to any matter that may be currently under investigation by the United States Department of Justice and/or local authorities. The Court instructs the TCA and Mr. Alfredo Castellanos

Bayouth, Esq., to deliver a copy of the present order to all scheduled panelists, the Clerk's Office for the United States District Court for the District of Puerto Rico, the U.S. Marshal, and any other individual that they may deem necessary for purposes of the Mayagüez Hearing. The Court alerts the parties, that if needed, it will order the participation of any other person that is deemed necessary for purposes of answering relevant questions that may arise during the course of the Public Hearing.

SO ORDERED.

In San Juan, Puerto Rico this 26th day of August, 2016.

s/ Gustavo A. Gelpí
GUSTAVO A. GELPI
United States District Judge